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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**

14 IN RE: HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION

15 THIS DOCUMENT RELATES TO:
16 ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**DECLARATION OF ANNE M. SELIN
IN SUPPORT OF GOOGLE'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

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21 I, Anne M. Selin, declare as follows:

22 1. I am an attorney with the law firm of Mayer Brown LLP, counsel for Defendant
23 Google, Inc. ("Google") in the above-captioned matter. I am admitted to practice law before this
24 Court. I submit this declaration in support of Google's Administrative Motion to File Under Seal
25 that is being filed concurrently herewith. As an attorney involved in the defense of this action,
26 unless otherwise stated, I have personal knowledge of the facts stated in this declaration and if
27 called as a witness, I could and would competently testify to them.
28

1 2. I have reviewed the following Exhibits to the Declaration of Lin W. Kahn in
2 Support of Defendants' Joint Opposition to Plaintiffs' Motion to Exclude Expert Testimony
3 Proffered by Defendants ("Kahn Declaration"), which Google has identified and made specific
4 and narrowly tailored redactions to: (a) Exhibit 1 to the Kahn Declaration, the Expert Witness
5 Report of Edward E. Leamer, Ph.D dated October 28, 2013, (b) Exhibit 3 to the Kahn
6 Declaration, the December 6, 2013 Supplement to David Lewin's Report, (c) Exhibit 4 to the
7 Kahn Declaration, Edward Leamer's December 11, 2013 Merits Reply Report, and (d) Exhibit 8
8 to the Kahn Declaration, Appendix F to Kevin Murphy's November 25, 2013 Report (originally
9 submitted as the June 21, 2013 Report of Kevin Murphy).

10 3. As detailed below, discrete portions of these documents contain highly
11 confidential and highly sensitive details about Google's compensation, hiring, and recruiting
12 practices that reflect Google's internal deliberations and business strategy related to how Google
13 recruits and how Google sets and structures compensation (including salary, bonus and equity)
14 for its employees.

15 4. Google previously submitted redactions to the Expert Witness Report of Edward
16 E. Leamer, Ph.D dated October 28, 2013 (Exhibit 1 to the Kahn Declaration) and Edward
17 Leamer's December 11, 2013 Merits Reply (Exhibit 4 to the Kahn Declaration) pursuant to a
18 pending motion to seal and supporting sealing declaration (Dkt. No. 576, ¶¶ 13, 14).

19 5. Google also previously submitted redactions to Appendix F to Kevin Murphy's
20 November 25, 2013 Report (originally submitted as the June 21, 2013 Report of Kevin Murphy)
21 (Exhibit 8 to the Kahn Declaration) pursuant to a pending motion to seal and supporting sealing
22 declaration (Dkt. No. 587, ¶ 8).

23 6. In addition, the following portion of the Supplement to Dr. Lewin's Expert Report
24 dated December 6, 2013 (Exhibit 3 to the Kahn Declaration) contains highly confidential data
25 related to Google's changes in total compensation between 2002-2011: **Exhibit 14B.1** (columns
26 relating to Google's compensation data).

27 7. The basis for Google's proposed redactions identified in paragraphs 4-6 below can
28 be found in the Declarations of Frank Wagner (Google's Director of Compensation) that were

1 filed on October 9, 2012, November 12, 2012 and December 18, 2012 (Dkts. 201, 221 and 261,
2 respectively) in this matter, which I have read and reviewed. In those Declarations, Mr. Wagner
3 describes the competitive harm that Google would suffer if certain confidential and highly
4 sensitive details about Google's compensation, recruiting, and hiring strategies and practices
5 were made public, including confidential details about Google's internal deliberations and
6 business strategy related to how Google sets and structures compensation (including salary,
7 bonus and equity) for its employees.

8 8. Based on the previous declarations submitted by Frank Wagner, the information
9 identified in Paragraphs 4-6 above is confidential and highly sensitive commercial information,
10 from which Google derives economic benefit by maintaining its confidentiality. Dkts. 201, 221
11 and 261. Google does not disclose this information to its competitors, customers or the general
12 public. *Id.* Public disclosure of this information would likely result in competitive harm to
13 Google by giving third parties, including its competitors in the labor market, direct insight into
14 confidential and sensitive aspects of Google's internal decision-making processes and business
15 strategy related to employee compensation. *Id.*

16 I declare under penalty of perjury under the laws of the United States that the foregoing is
17 true and correct.

18 Executed on February 6, 2014 in Palo Alto, California.

/s/ Anne M. Selin
Anne M. Selin